

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL B. MCPHERSON,

Plaintiff,

v.

J. GREENE, CCI, et al.,

Defendants.


No. 2:23-cv-0811 WBS KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. On June 28, 2023, plaintiff filed a motion for summary judgment. However, no defendant has yet been served with process or appeared in this action. Indeed, on June 30, 2023, plaintiff's complaint was dismissed, and plaintiff was granted thirty days' leave to file an amended complaint. At present, no operative pleading is on file. Therefore, plaintiff's motion is premature and is vacated without prejudice to its renewal once a defendant has appeared in the action and discovery has closed.

Accordingly, IT IS HEREBY ORDERED that plaintiff's June 28, 2023 motion (ECF No. 11) is premature and vacated without prejudice.

Dated: July 6, 2023

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE